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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,975	11/13/2001	Shunji Imai	43890-552	6015

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EXAMINER
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PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/986,975

Applicant(s)

IMAI ET AL.

Examiner

Joseph L. Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-36 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 and 23-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 02 December 2005 have been fully considered but they are not persuasive.

2. In response to applicant's statement that "only Misenhimer is related to a washing apparatus, whereas the remaining references are each related to food processors (specifically, blenders)", the Examiner notes that the term "washing" in the claimed "washing apparatus" is intended use and not afforded significant patentable weight. It is well settled that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Accordingly, the position is maintained that any apparatus capable of performing the intended use of "washing" anticipates applicant's claimed invention. Regarding applicant's arguments that the "food processor prior art ... discloses only the conventional sharpened blades ... which do not have protrusions formed thereon", the Examiner disagrees. Applicant's broad recitation of a stirring blade "which comprises a disk with protrusions formed thereon" is significantly broad and reads on the cited ERNSTER and WULF references since the stirring blades of each comprise a disk-shaped portion connected to the rotary drive and "protrusion" portions extending from the disk-shaped portions. This can be readily seen, for instance, in Figure 4 of

ERNSTER and Figures 8-19 of WULF. Thus, applicant's claims still are readable on the cited ERNSTER and WULF references.

3. Regarding MISENHIMER, applicant argues that the references does not disclose the claimed "stirring blade (2) ... which is rotatably connected to a shaft of the rotary drive unit". The Examiner disagrees. Clearly, the "stirring blade" of MISENHIMER requires a structural coupling/connection to the rotary drive unit. Otherwise, the "stirring blade" of MISENHIMER would not rotate. This can be readily seen in Figures 1-2. It is noted that "rotatably connected" as claimed in claim 1 does not require a direct connection or being "disposed on the shaft" as in claim 2, but rather only requires a connection/coupling which imparts rotary motion from the rotary drive to the "stirring blade". Thus, recitation of MISENHIMER reads on applicant's claimed invention.

#### ***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 5-6, 8-10 & 19 are rejected under 35 U.S.C. 102(b) as being anticipated by MISENHIMER (previously cited). Re claim 1, MISENHIMER discloses a washing apparatus with base 11/13 including rotary motor 16 and washing tank 14 comprising blades/protrusions 54 on a disk (bottom of tank), a connection structure 13 detachably coupling the base with tank 14, and a speed reducer (belt 20) in the base and disposed between the motor and a rotatable transfer joint (any of 27/28/34/32/30) (see Figures 1 & 3-4 and relative associated text, especially page 1, second column,

lines 32-44). Re claim 5, MISENHIMER further discloses means for controlling rotation of the blade (motor cord 17, *i.e.* turning apparatus on/off, page 1, lines 21-25). Re claim 6, MISENHIMER further discloses the tank having grips 59 (Figures 1, 3 & 5 and relative associated text). Re claim 8, MISENHIMER further discloses at least one convex longitudinal portion 54 on the inner wall of the tank (Figures 1, 3, & 5 and relative associated text). Re claims 9-10, MISENHIMER further discloses a cover 66 with a lock mechanism 68 (Figure 5 and relative associated text). Re claim 19, MISENHIMER further discloses the base having a guide 13 at the top to seat tank 14 (Figures 1 & 3 and relative associated text).

6. Claims 1-3, 5-6, 9, 19-20 & 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,951,351 to ERNSTER *et al.* ("ERNSTER"). ERNSTER discloses an appliance having a driving side base 24 with motor 46 and speed reducer 47, tank 22 with blade 83 on a rotatable shaft, the blade comprising a disk-shaped center connected to the rotatable shaft and "protrusions" extending thereon, grip portion & cover, and a connection structure (rotatable transfer joint 81 of the base coupling rotary power to a transfer joint connected to blade 83), control means (buttons 139/140/142/145), the base having a guide 84 with fixing portions which lock to fixing portions on the bottom of the tank, the guide also serving as a protective projection which covers the periphery of the base transfer joint (see Figures 1 & 4 and relative associated text).

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-3, 5-10 & 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over WULF (previously cited) in view of applicant's admitted prior art or U.S. Patent No. 6,690,128 to COTTON *et al.* ("COTTON") or U.S. Patent No. 6,027,242 to THUMA ("THUMA '242") or U.S. Patent No. 6,012,837 to THUMA ("THUMA '837").

Re claims 1 & 5, WULF discloses an apparatus with motor driven base 32 with connection structure for a detachably mounted tank 34 including stirring blades 112, the blades comprising a disk-shaped center connected to the rotatable shaft and "protrusions" extending thereon, and means 68 for controlling the blade (see, for instance, Figure 3 and relative associated text). Re claims 2-4, WULF further discloses transfer joint 56 connecting the rotary drive base to a transfer joint (not shown) below rotatable blades 112 (Figure 3). Although WULF does not explicitly show a rotatable shaft connecting the motor to joint 56, the position is taken that such a shaft inherently must exist in order to transfer rotary power from the motor base to joint 56. Re claims 6-7 & 9-10, WULF further discloses the tank having a grip 70 (Figures 3 and 6), a water level line 78 (Figure 6), and a cover 82 with lock mechanism 84 (Figures 3 & 7). Re claims 19-20, WULF further discloses a guide 54 on top of the base (Figures 3/15) and tank fixing portions on the tank (190/200) and base (48/50) to lock the tank to the base (Figures 2-3 and relative associated text). Re claim 21, WULF further discloses sensors 66/67 connected to controller 224 for sensing/detecting presence of a top mounted tank

Art Unit: 1746

and controlling rotary function of the base (Figure 4 & col. 13, lines 19-48). Re claim 22, WULF further discloses outer periphery projections 190/200 which cover the transfer joints (Figure 2). It is noted that the term "washing" is considered intended use and given little patentable weight in the claimed structure. WULF discloses the apparatus for use in "household appliances" and discloses using different "rotation speeds" and "mixing" (col. 1, lines 6-17). Although WULF discloses using different rotation speeds, WULF does not expressly disclose a speed reducer between the drive base and the rotary blades. Applicant readily admits (for instance in Figure 41 and relative associated text) that it is well known to provide a motor driven rotary appliance with a speed reducer. COTTON teaches that it is known to provide a rotary appliance with speed reducers to reduce and control rotary speed to a desired level from an electric motor (see col. 3, lines 7-55). THUMA '242 & THUMA '837 each teach that it is known to provide speed reduction gears to a motor driven rotary apparatus to achieve reduction in rotary speed from an electric motor to a rotary blade (see col. 2, lines 51-57 of THUMA '242 & col. 1, lines 5-15 in THUMA '837). It would have been well within the level of ordinary skill in the art to provide the rotary appliance of WULF with speed reduction gears, as disclosed by applicant's admitted prior art or COTTON or the THUMA references, in order to provide a rotary appliance with means for reducing rotary speed of a blade connected to a higher speed rotary motor to achieve lower speed suitable for mixing. Moreover, there would be a reasonable expectation of success for one of ordinary skill in the art to supply the rotary apparatus of WULF with

Art Unit: 1746

such speed reducers in order to reduce the rotary speed from the output of an electric motor.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

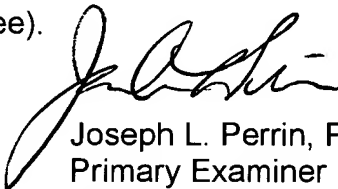
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 1746

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph L. Perrin, Ph.D.  
Primary Examiner  
Art Unit 1746

jlP